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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,502	06/22/2005	Motoki Tsunokawa	261889US6PCT	7858

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EXAMINER	
INGVOLDSTAD, BENNETT	

ART UNIT	PAPER NUMBER
2427	

NOTIFICATION DATE	DELIVERY MODE
04/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/518,502	TSUNOKAWA ET AL.	
	Examiner	Art Unit	
	Bennett Ingvoldstad	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 March 2010 has been entered.

Response to Arguments

Applicant's arguments/remarks filed 2 March 2010 have been fully considered.

Applicant notes that the foreign references cited on the IDS dated 20 December 2004 were cited by the International Search Report, which indicated their relevancy. Remarks at 8, 9. Accordingly, the foreign references are being considered.

Applicant traverses the anticipation rejections, arguing that Knudson does not teach that a key upon which a search is based is displayed in a different color. Remarks at 10. However, Knudson teaches displaying a selected category or key in a different color using a highlighting cursor. See Fig. 5b. Therefore, the new limitations are met by Knudson.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27–31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 27 sets forth a "computer-readable storage medium." However, the specification as originally filed does not explicitly define the computer readable storage medium. The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See In re Zletz, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest

reasonable interpretation of a claim drawn to a computer readable storage media (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is absent an explicit definition or is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See In re Nuijten, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17–31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the independent claims are drawn to the television receiver illustrated at Fig. 4 in the specification, comprising an interface, a display section, and a communication section. The independent claims require that

the interface of the television receiver "receives a file containing information about a plurality of characteristic words...." However, the specification does not describe the television receiver receiving a file containing the characteristic words. Rather, a recording/reproducing apparatus receives the file, and provides a control to the television receiver to display the words. See Fig. 13, steps s31, s43. The television receiver receives a control to display the characteristic words, but does not receive the characteristic word file. Therefore, the claims lack support in the original specification and thus contain new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17–19, 21–24, 26–29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2006/0095937 ("Knudson").

Claim 17. Knudson teaches an information processing apparatus (Fig. 1: user television equipment 26) comprising an interface that receives a file containing information about a plurality of characteristic words representing characteristics of television programs (para. 0053); an display section (Fig. 1: television 40) configured to

display one of the plurality of characteristic words in a different color than an other of the plurality of characteristic words (see Fig. 5b); a communication section that allows a selection of the one of the plurality of the characteristic words (Fig. 1: remote control 42).

Knudson further teaches that the interface transmits information about the one of the plurality of the characteristic words to a server upon the selection, and is configured to receive television program information about one of the television programs from the server in response to the information about the one of the plurality of characteristic words (see para. 0062, describing a client-server architecture for performing a search after selection of a category). Further, the server may be a recording and playback apparatus (para. 0040).

Claim 18. Knudson further teaches that the interface receives the file from the recording and playback apparatus (para. 0053: from the server).

Claim 19. Knudson further teaches that the display section may display only the characteristic words (see Fig. 5c).

Claim 21. Knudson further teaches that the display section is further configured to display the one word in an upper part of the display relative to the other words (see Fig. 5a).

Claim 22. Knudson further teaches the method implemented by the apparatus of claim 17 as described above.

Claims 23, 24, and 26 correspond to claims 18, 19, and 21 and are met as such.

Claim 27. Knudson further teaches a computer-readable storage medium encoded with instruction for implementing the method of claim 22 as described above.

Claims 28, 29, and 31 to claims 18, 19, and 21 and are met as such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson.

Claims 20, 25, 30. Knudson teaches displaying one word in a different color than the other words (see Fig. 5b), but does not specifically contemplate whether the different colors can be inverse colors.

OFFICIAL NOTICE is taken that it was well known to use inverse colors, (e.g. black and white, red and green, blue and yellow, etc.) as different colors in a user interface.

It is obvious to combine known elements according to known methods to yield predictable results. Therefore, it would have been obvious to combine the known inverse color pairs together with the user interface of Knudson, according to the illustrated method of displaying different words in different colors, thus yielding the

predictable result of the color of the one word being the inverse of the color of the other words.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvoldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M–F 9–5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvoldstad/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427